

**MINUTES OF THE MEETING
OF THE
SUBDIVISION REVIEW BOARD
OCTOBER 3, 2005**

Minutes of the Regular Meeting of the County Subdivision Review Board held in the San Luis Obispo County Board of Supervisors Chambers, San Luis Obispo, California, at 9:00 a.m.

MEMBERS

PRESENT Larry Allen (Air Pollution Control), Laurie Salo (Environmental Health), Richard Marshall (Public Works), John Nall (Environmental Coordinator), and Chairman John Euphrat (Planning and Building)

ABSENT: None

STAFF: James Caruso, Planner, Current Planning
Mike Wulkan, Planner, Current Planning
Brian Pedrotti, Planner, Current Planning
Elizabeth Kavanaugh, Current Planning

OTHERS Jim Orton, Deputy County Counsel

The meeting is called to order by Chairman Euphrat.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of October 3, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Public Comment

Tom Vaughan, Vaughan Surveys, states he will speak to Item 3.

CONSENT AGENDA

Item C is pulled for correction.

James Caruso, staff, reviews change shown on submitted memo, reads change into the record, which acknowledges Coastal Commission appeal was completed May 11, 2005. No other changes.

Tom Vaughan, agent, requests information regarding time limits, with the change given, with staff deferring to County Counsel.

Jim Orton, County Counsel, states the items before the Board today is a time extension. He discusses time frame and time limits.

Richard Marshall, Public Works, requests clarification of change, with staff responding.

Thereafter, motion by Mr. Marshall, seconded by Mr. Nall, unanimously carries, to approve the Consent Agenda, including correction to Item c., as follows:

- a. Parcel Map CO 01-0314 (S010012P)** Request from **PAMELA DEAN** for a **2nd time extension** for vesting tentative parcel map CO 01-0314, a subdivision of an existing parcel of approximately 27,500 square feet into three parcels of 11,062, 7,534 and 7,737 square feet, in the Residential Single Family Land Use category. The project is located at 1935 Wilmar Avenue, in the community of Oceano; APN: 062-261-081, in the San Luis Bay Planning Area. Supervisorial District 4. , Staff recommends to the Subdivision Review Board that the 2nd one-year time extension be granted to October 7, 2006, subject to the original conditions of approval adopted by the Subdivision Review Board on October 7, 2002.

- b. **Parcel Map CO 02-0057 (S010316P)** Request from **WILLIAM BETTS/ TLC DEVELOPMENT**, for a **first time extension** for Vesting Tentative Parcel Map CO 02-0057 to subdivide an existing 17.97 acre parcel into three parcels of approximately 5.5, and 7 acres each. The project is located on Hirschier Lane, approximately 600 feet east of Corbett Canyon Road, north of the City of Arroyo Grande in the San Luis Bay (Inland) planning area. APN: 044-281-050. County File No. **S010316P/ CO 02-0057**. Supervisorial District 4. Staff recommends to the Subdivision Review Board that a 1st time extension be granted to May 5, 2006 subject to the original conditions of approval adopted by the Subdivision Review Board on May 5, 2003.
 - c. **Parcel Map CO 02-0272 (S020154P)** Request from **JOSH BROWN/ VAUGHAN SURVEYS** for a **first time extension** for Vesting Tentative Parcel Map CO 02-0272, to subdivide two existing Parcels (an approximately 117 acre parcel and a 80 acre parcel) amounting to approximately 197 acres, into three parcels (Parcel 1, 97.34 acres, Parcel 2, 45.22 acres, and Parcel 3, 55 acres) The site is located at 6975 Jordan Road, at the northwest portion of the intersection of Cambria Pines Road and Jordan Road, approximately 1 mile north of the community of Cambria, in the North Coast planning area. APN: 013-081-050 and 051. County File No. **S0201549P/ CO 02-0272**. Supervisorial District 2. Staff recommends to the Subdivision Review Board that a 1st time extension be granted to November 3, 2006, subject to the original conditions of approval adopted by the Subdivision Review Board on November 3, 2003.
 - d. **Parcel Map CO 03-0120 (S020347P)** Request from **OLAVI HAANPAA/ EDA DESIGN PROFESSIONALS**, for a **first time extension** for Vesting Tentative Parcel Map CO 03-0120, to subdivide an existing 3.72 acre parcel into three parcels of 1.49, 1.13 and 1.10 acres each. The project is located on the north side of Mesa Road, bisected by Easy Lane, in the community of Nipomo, in the South County planning area. APN: 091-311-010. County File No. **S020347P/ CO 03-0120**. Supervisorial District 4. Staff recommends to the Subdivision Review Board that a **1st time extension** be granted to November 3, 2006, subject to the original conditions of approval adopted by the Subdivision Review Board on November 3, 2003.
2. This being the time set for continued hearing (continued from September 12, 2005) to consider a request by **GARY KARNER** for a Lot Line Adjustment/Coastal Development Permit to adjust the lot lines between three parcels of 2,272, 2,757 and 18,612 square feet each. The adjustment will result in two parcels of 9,180 and 14,461 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family and Recreation land use categories and is located at 354 Mitchell Drive in the community of Los Osos, in the Estero Planning Area. This project is exempt under CEQA. **County File No: SUB2004-00371 / COAL 05-0180**. APN: 074,081,034. Supervisorial District: 2. Date Accepted: August 4, 2005.

Richard Marshall, Public Works, states he can participate today because no testimony or reports was given at the last meeting.

Larry Allen, APCD, states his similar position, not having attended the last meeting.

Chairman Euphrat, states no testimony was taken, but the staff report was distributed to Mr. Marshall and Mr. Allen, who will be able to participate today with full information available.

Mike Wulkan, staff, gives the staff report. He displays photographs and maps overhead. Discusses lateral access easement. Revised Finding D is in the staff report for use if lateral access will be required.

Richard Marshall, Public Works, requests staff response to the letter received from Bob Semonsen, with staff responding.

Chairman Euphrat, request that staff discuss guidance available in the Coastal Zone Land Use Ordinance, with staff responding.

Bob Semonsen, Los Osos, states this project does not meet criteria for new development, nor does it meet C.4. States a lot line adjustment does not result in a physical change, so this does not rise to the level of being new development. Discusses how the Nolan decision applies to this case.

Chairman Euphrat, requests clarification of various details, with Mr. Semonsen responding.

Jim Orton, County Counsel, discusses issues to be decided today.

Richard Marshall, Public Works, requests further clarification, with County Counsel responding.

Thereafter, motion by Mr. Marshall, seconded by Mr. Allen, carries unanimously, to approve the above referenced item, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, with note that this item is exempt from the California Environmental Quality Act

3. This being the time set for continued hearing to consider a request by **EUGENE H. BARRE JR, MICHAEL H. BARRE, AND SHANNON BENNETT** for a Tentative Parcel Map, using the Transfer Development Credit program to subdivide an existing 2.2 acre parcel into two parcels of 1 acre and 1.02 acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately zero square feet. The proposed project is located within the Residential Suburban land use category and is located at 12100 El Camino Real, approximately 300 feet from the southwest corner of Santa Barbara Road and El Camino Real, adjacent to the community of Atascadero. The site is in Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address biology, public services, recreation and wastewater. **County File No: SUB 2004-00141 / CO 04-0375.** APN: 059-331-013. Supervisorial District # 5. Date Accepted: December 12, 2004.

Richard Marshall, Public Works, states he can participate in the decision today, as no discussion took place that he was not party to.

Larry Allen, APCD, states he was not present for the discussion at the last meeting and for that reason will not vote today.

Elizabeth Kavanaugh, staff, gives the staff report. She states staff recommends approval.

Richard Marshall, Public Works, requests clarification on Condition 2, with staff responding.

Larry Allen, APCD, requests addition of condition regarding air pollution.

Pamela Jardini, agent, states applicant supports the staff report. She submits letters. Requests clarification of the change regarding the trail, not an actual road improvement, that would be required.

Richard Marshall, Public Works, confirms Ms. Jardini's statement is correct.

Charlie Whitney, discusses project location being near Atascadero City Limits. States 500-700 homes could potentially be built in the next few years. Speculates about what would happen if all TDC's were approved on a single day. He discusses the benefits.

Kathryn Sweet, discusses staffing of Sheriff's office, which has not kept pace with increasing population. Elaborates, asking rhetorical questions, and requesting how air quality will be impacted. She discusses minimum parcel sizes.

Eric Greening, states there is a responsibility to consider cumulative impacts. How to handle this issue is problematic as far as mitigations that can be applied. Regarding the trail, the purpose of the continuance was to receive something written from the City of Atascadero regarding mitigation measure. He reads excerpts from James Burman, to become part of this record. The letter states his disappointment in Board of

Supervisors allowing the rural nature of San Luis Obispo County to be destroyed by poorly planned development. He gives examples. He discusses Salinas River aquifer.

Jamie Kirk, states the TDC program does not increase density, but merely redistributes it to areas more appropriate for development, where impacts to air quality will be less. As far as cumulative impacts, the Negative Declarations filed for the TDC program in the late 90's addressed same. Supports project.

Steven Babcock, states his support for project, and reiterates comments of Ms. Kirk.

Pam Jardini, agent, discusses rural density being brought closer to urban areas, and requests approval.

Thereafter, motion by Mr. Marshall, seconded by Mr. Nall, carries, with Ms. Salo voting no, and Mr. Allen abstaining, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and to approve the above referenced item, based on the Findings in Exhibit A, as presented, including Finding J, to read: "This proposes map will not create additional density in the vicinity, because the parent parcel could develop two residences, a primary and a secondary residence. The applicant has agreed to the condition of approval that prohibits secondary dwellings and guesthouses on the proposed parcels, which limit the density of the proposed parcels to one residence per lot, for a total of two residences.)"; and subject to the Conditions in Exhibit B with the following changes: in Condition 2.a., delete "long" following "right-of-way" in line 1 and replace with "fronting the property along"; in Condition 2.b., change "long" to "along" and delete the last sentence; in Condition 21.a. insert "and/or guesthouses" following "The secondary dwellings"; and add new subparagraphs i. j. and k. to Condition 21, as follows:

- i. "Prior to issuance of grading and construction permits, removal or relocation of utility lines included as part of this project will be subject to requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to; 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at (805) 781-5912.**
- j. "Prior to issuance of grading and construction permits for individual lot development, the applicant shall submit a wetland delineation to the County Environmental Division for review and approval. Residential improvements shall be setback at least 50 feet from the delineated wetland boundary. Project plans shall include sedimentation and erosion protection measures and adequate drainage improvements (e.g. culvert) to ensure no impacts to the existing flow or direction of onsite drainage would occur.**
- k. "At the time of application for construction permits, project plans shall include drainage improvements that do not modify the existing flow rates or direction of the existing drainage. To minimize potential sedimentation within the drainage to Paloma Creek, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the creek. At a minimum, straw wattles (or comparably effective devices as determined by the Environmental Monitor) shall be placed on the downslope sides of the proposed work which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.", adopted.**
- 4. This being the time set for hearing to consider a request by **CHERYL AND ROGER KELLING** for a Vesting Tentative Parcel Map to subdivide an existing 4.86-acre parcel into two parcels of approximately 2.43 acres each for the purpose of sale and/or development using the Transfer of Development Credit (TDC) Program. The proposed project is within the Residential Suburban land use category and is located on the south side of San Antonio Road (14200 San Antonio Road), approximately 0.5 mile south of Santa Barbara Road, in the southern portion of Atascadero, in the Salinas River planning area.**
County File Number: SUB2004-00121 / CO 04-0515. APN: 059-141-014. Supervisorial District No. 5.
Date Accepted: October 22, 2004.

Elizabeth Kavanaugh, staff, gives the staff report. She recommends approval.

Discussion takes place among Board members and County Counsel regarding time limits and when recording of map should take place.

Steven Babcock, agent, submits a percolation test, and various letters of support for the record. He discusses a similar project that was approved. He gives a short history of this project and agreements made. He discusses basis for TDC's on this project. States the community supports this project. States he requests approval.

Cheryl Kelling, applicant, provides a short history. States they wish to build their "dream house" there, and discusses their need for TDC's. Provides reasons why the project fits well with the neighborhood and that standards have been met. Discusses benefit to the neighborhood of road widening. She requests approval.

Charlie Whitney, SMAAC, states a letter has been submitted from the group. He discusses the group's frustration with the TDC program. States the vote on this project was very close. Speaks on his own behalf regarding TDC's generally, and states the project has huge public benefits, and this type of project is what TDC program was designed for.

Pam Jardini, Planning Solutions, states last month immediate public benefit was of concern to this Board, and discusses the immediate public benefits associated with this project.

Jamie Kirk, Atascadero resident, states the project benefits the public, and gives additional reasons why, and how it is appropriate for TDC program.

Eric Greening, states this project is very close to the Planning Area standard, though cumulative impacts should be considered. He discusses confusion between Nacimiento Water Project and the state water project. States there is increasing tendency for TDC receiver sites to be in South Atascadero, and the sending sites do not send benefits to Atascadero. Impacts are felt in South Atascadero. Suggests further decisions on TDC projects, especially in South Atascadero, should be delayed until after the Board has made its decision.

Kathryn Sweet, states she is confused by jurisdictional boundaries for law enforcement. States the Sheriff's Department is 10 deputies short. States the County's projection is that in 5 years, the shortage will be 50 deputies. Requests project not be approved.

Larry Allen states this project is close to being within TDC's standards. He discusses proximity to URL.

John Nall, states the lot has a restriction on secondary dwellings, but this project would double density by TDC's. States a straight lot split cannot be done because the lot does not meet minimum size. States other lots may be in similar situation as this project.

Laurie Salo, discusses minimum zoning and that this parcel is very close to standard. Discusses how density will be affected, and that secondary dwellings will not be allowed in this area, so will not lead to quadrupling of density. Requests clarification of how much density could end up on this parcel, with staff responding.

Kami Griffin, staff, states once a parcel has become a receiving site, it can not be further subdivided at any time.

Richard Marshall, Public Works, discuss other methods that could lead to the same result, stating even in a normal lot split, improvements to San Antonio would be required. States it is important to understand this project does not provide greater public benefit than any other would. He discusses various uses of the TDC program and public benefit.

Thereafter, motion by Mr. Marshall, seconded by Ms. Salo, carries unanimously, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental

Quality Act, Public Resources Code Section 21000 et seq., and to approve the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, as presented.

Chairman Euphrat states he must step down due to a scheduling conflict. Mr. Nall will take the chair.

Chairman Nall calls the meeting back to order.

5. Daniels, County File No. SUB2004-00046 / CO 04-0209 This being the time set for hearing to consider a request by **MARK DANIELS** for a Vesting Tentative Parcel Map to allow subdivision of two approximately ten acre parcels into four parcels of five acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 0.70 acres, and the division will create one on-site road. The project is in the Residential Rural land use category and is located on the northwest and northeast corners of Zenon Way and Halcyon Road at 512 Zenon Way and 1975 Viejo Road, northeast of the village of Palo Mesa, in the South County (Inland) planning area. **County File No. SUB2004-00046 / CO 04-0209.** APN's: 075-232-016 & 091-063-002. Supervisorial District #4. Date accepted: November 29, 2004.

Brian Pedrotti, staff gives the staff report. He displays maps and photographs overhead. He recommends approval with addition of new Condition 26 and reads the addition into the record.

Jeff Wagner, EDARepresents applicant. Thanks staff, and requests approval. States Condition 26 is acceptable, and requests clarification of Condition 2 and suggests changes.

Richard Marshall, Public Works, requests clarification by staff of map details, with staff responding. Discusses the change requested by agent, stating his support for the request.

Larry Allen, APCD, states the proposal is inconsistent with clean air standards for projects outside the URL, and he will not support same.

James Caruso, staff, discusses change to Condition 20.

Thereafter, motion by Ms. Salo, seconded by Mr. Marshall, carries, with Mr. Allen voting no, and in the absence of Chairman Euphrat, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in Condition 2.b., add "south of Viejo Road" following "property" in line 1 and delete the text following "right-of-way"; add new condition 2.c., to read: "Zenon Way, north of Viejo Road and fronting proposed Parcel 1, constructed to a 2/3 A-1 section, minimum paved width of 18 feet within a 40 foot dedicated right-of-way."; re-letter existing Condition 2.c. to become 2.d; in Condition 20 change "open space easement with the County" in line 1 to read "open space agreement with the County in a form approved by County Counsel"; and add new Condition 26 to read: "The mobile homes located on proposed Parcels 3 and 4 shall be removed or brought into conformance with the Land Use Ordinance prior to recordation of the final map."

6. This being the time set for hearing to consider a request by **D.A FETYKO INC.** for a Tentative Parcel Map/Coastal Development Permit to subdivide an existing 9,662 square foot parcel into three parcels of 3,739 square feet, 3,010 square feet and 2,916 square feet each for the purpose of sale and/or development. The project will not result in any ground disturbance. The proposed project is within the Residential Multi-Family land use category and is located on the north side of San Luis St, approximately 160 feet east of the intersection of Laurel and San Luis Streets in the community of Avila Beach. The site is in the San Luis Bay (Coastal) planning area. This project is consistent with the Avila

Beach Specific Plan EIR. **County File No: SUB2004-00337/ CO05-0139.** APN: 076-201-024.
Supervisory District: 3. Date Accepted: May 12, 2005.

James Caruso, staff, gives the staff report. He displays maps and photographs overhead. Site is steep, which limits the number of units. He discusses parking and progress at the site.

Ryan Neff, project manager for Fetyko, Inc., states the applicant supports the staff report. He requests approval.

Thereafter, motion by Mr. Allen, seconded by Mr. Marshall, carries, in the absence of Chairman Euphrat, to approve the above referenced item, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, as presented.

7. This being the time set for hearing to consider a request by **SERVTEC INVESTMENTS LLC** for a Lot Line Adjustment to adjust the lot lines between three parcels of 7.1, 10.6 and 82.8 acres each. The adjustment will result in three parcels of 20.2, 40.1 and 40.2 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located on the east side of Thompson Avenue, approximately one mile south of the Tefft Street/Thompson Road intersection, approximately ½ mile south of the community of Nipomo, in the South County (Inland) planning area. **County File No: SUB2004-00166 / COAL 04-0503.** APN: 090,171,022. Supervisory District 4. Date Accepted: March 15, 2005.

Stephanie Fuhs, staff, gives the staff report. She states staff recommends denial. She discusses change to Finding A.1.

Richard Marshall, Public Works, states additional information was received from applicant's representative. Requests staff state whether that information was received, with staff responding.

John Belcher, representing applicant, states the agricultural issues drive the findings. Discusses agricultural viability of the property, stating it will not be affected. States Agriculture Commissioner did not interview the owner or applicant. Submits a copy of a document from ARM Supply Co. States there is sufficient water to irrigate with drip irrigation the whole property. States the proposal is equal to or greater than the existing situation, and gives reasons. Discusses impact on Dana Adobe and states this project will not.

David Hamel, Agricultural appraiser, discusses usability of two small lots. States the proposal considers the natural terrain. He discusses the ravine on Thompson Road, water availability, well test, areas suitable for crops, both with the present configuration and that proposed. This project will make the two small, virtually unusable parcels usable.

Laurie Salo, requests information as to whether the well is in fractured rock, with Mr. Hamel responding.

Byron Grant, Arroyo Grande, represents property owner. Has escrow with those who hope to buy the adjusted parcels. Gives a short history of his expertise, stating this project should be approved. It will bring parcels into compliance. States the after-condition will be much better than the existing, and requests approval. He provides some details regarding the prospective buyers. This would protect the Dana Adobe viewshed. The well was pumping 400 gallons per minute for sugar peas, but was reduced to preserve the well. States he can answer questions.

Larry Allen, APCD Requests clarification of which parcel the Dana Adobe group is most interested in, with Mr. Grant responding.

Maria Lorca, Creston, states she speaks for Creston Citizens for Ag Land Preservation. States they support staff's position on this project. States agriculture parcels that are being broken down are of concern to them. States the two small parcels could be lot line adjusted. States the deal between the owners and the Dana Adobe should be known before the lot line adjustment is approved.

Susan Harvey, President of Paso Watch, states issues concerning the Dana Adobe should be known. Wonders how viewshed will be maintained. States agricultural viability will be reduced and offers her feeling no agriculture will take place. Urges support for staff position and denial of the project.

Eric Greening, states his admiration for the people who run the Dana Adobe. States the leadership is not present, to answer questions. He discusses agriculture and visitor-serving facilities. Ag policy 6 is being expanded. He wonders about the kind of use 40-acre and 20-acre agricultural parcels could be "flipped" for. States a continuance is appropriate.

Mike Isensee, Agriculture Commissioner's office, discusses how the Agriculture Commissioner's office looks at Lot Line Adjustments. He discusses slope, dry land farming, capabilities of the site, soils, and irrigation sources. He answers various questions from Board members. States the history of the site is it has been farmed as a 100-acre parcel, as the Certificates of Compliance were only recently obtained for the two smaller parcels.

John Belscher, agent for applicant, states the NCAC supported this project by a large majority. He reminds the members that the individual contacted by the Agriculture Commissioner's office was a previous employee who was fired. Discuss agricultural viability and how the size may affect that. States the property is not agriculturally viable as it is. He discusses the capital threshold for purchase of larger parcels. States a subdivision is not being requested, but only a lot line adjustment. States the ravines are not farmable, but are cliffs in some places. Large areas are inundated as flood hazard areas. States this property will not qualify for Williamson Act. Requests decision be made today.

Discussion takes place among Board members regarding agricultural viability, availability of water, whether the proposed situation will be better than the existing, soils.

Stephanie Fuhs, staff, discusses the number of units that could be built under the present situation or the proposed situation.

John Belscher, agent for applicant, states the owner is not present, and a decision cannot be made without him to restrict the number of units allowed, but they could agree to a condition regarding a shared well. Speculates about what may be done by others. States applicant understands a continuance could lead to a need for an environmental determination.

Stephanie Fuhs, staff, states the exemption was not categorical, but statutory, for the denial. If the item is continued, a new mitigated negative declaration would have to be done.

Mike Isensee, Agricultural Commissioner's office, states shared wells are problematic, and in this case, there is not ample evidence that the well will continue to produce. Responsibility for a new well would have to be assigned ahead of time, in case of failure of the shared well. In general, lot line adjustments such as this one, where substandard parcels are expanded into neighboring larger parcels is not favorable.

Thereafter, motion by Mr. Allen, seconded by Mr. Marshall, carries, in the absence of Chairman Euphrat, to support staff recommendation for denial, and to deny the above referenced item, based on the Findings in Exhibit A, including the change in Finding A.1., as follows: in the third complete sentence, change "30 acres" to "40 acres."

8. This being the time set for hearing to consider a request by **DONALD CARNINE** for a Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. The proposed project is within the Agriculture land use category and is located at 4242 Las Tablas-Willow Creek Road, approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida planning area. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects, which a public agency rejects or disapproves. **County File Number: SUB2004-00348 / CO 05-0090.** APN: 039-071-021. Supervisorial District: 1. Date Accepted: July 6, 2005.

James Caruso, staff, requests continuance to November 7, 2005.

Thereafter, motion by Mr. Allen, seconded by Mr. Marshall, carries, in the absence of Chairman Euphrat, to continue the above referenced item to November 7, 2005.

This being the time set for hearing to consider a request by **JOHN BROBERG**, for a Vesting Tentative Parcel Map to subdivide an existing 18,675 square foot parcel into two parcels each of 9,337 for the purpose of sale and/or development. The proposed project is within the Residential Single Family land use category and is located at 419 Darby Lane in the community of Nipomo. The site is in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Negative Declaration prepared for the item. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves. **County File No: SUB2003-00251 / CO 04-0190.** APN: 092-271-005. Supervisorial District: 4. Date Accepted: July 3, 2004.

Kerry Brown, staff, gives the staff report. She discusses secondary access. Corrects staff report, page 9-1, recommended should read "Parcel Map CO 04-0190" rather than referring to Tract 2658. She states staff recommends denial.

Pamela Jardini, Planning Solutions, states the Board has taken a tentative action to approve a Tract Map in the same area. States they are interested in the Board's action, and the parcel now qualifies for a second dwelling under the existing ordinance. States it makes sense to continue this item until after the Board's decision.

Clint Bullard, CDF/County Fire, secondary access is of concern. CDF/County Fire would support a continuance, to allow the Board to make its decision.

Kami Griffin, staff, requests this Board direct staff to get the initial study started.

Thereafter, motion by Mr. Marshall, seconded by Ms. Salo, carries, in the absence of Chairman Euphrat, to continue the above referenced item to February 6, 2006, and direct staff to do an initial study.

Adjournment

Respectfully submitted,
Lona Franklin, Secretary Pro Tem
County Subdivision Review Board